

UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

WAI OLA ALLIANCE, et al.,

Plaintiffs,

vs.

UNITED STATES DEPARTMENT
OF THE NAVY, et al.,

Defendants.

CIVIL CASE NO. 1:22-0272-LEK-
RT

DECLARATION OF JOHN
FLOYD IN SUPPORT OF
UNITED STATES'
OPPOSITION TO
PLAINTIFF'S MOTION TO
COMPEL COMPLIANCE WITH
PROTECTIVE ORDER

**DECLARATION OF JOHN FLOYD IN SUPPORT OF UNITED
STATES' OPPOSITION TO PLAINTIFF'S MOTION TO
COMPEL COMPLIANCE WITH PROTECTIVE ORDER**

Pursuant to 28 U.S.C. § 1746, I, John Floyd declare:

1. Since February 8, 2015, I have held the position of Deputy Director of the Pearl Harbor Fuels Department headquartered at Joint Base Pearl Harbor-Hickam (JBPHH), Hawaii.
2. In this position, my responsibilities include overseeing the execution of operations and maintenance, including, at one point, the operation of the RHBFSF as part of the JBPHH fuel system. Even without fuel in the tanks, until the Navy's mission of permanent decommissioning of the Red Hill underground storage tanks is complete and the pipelines have been completely disconnected and removed from the facility, the RHBFSF cannot be distinguished from the still fully operating fuel system on JBPHH, Hawaii. This fuel system

supports U.S. Pacific Fleet, U.S. Pacific Air Forces, and U.S. Indo-Pacific Command operations, among others. These systems are connected and many of the documents related to RHBFSF also disclose vulnerabilities to the installation's fuel system at large. Publicly releasing information concerning the specific locations and physical vulnerabilities of fuel tanks, pipelines, valves, hydrants, and documents containing risk and vulnerability assessments for RHBFSF and the JBPHH fuel system would disclose serious vulnerabilities to the U.S.'s antagonists in the Pacific theater and others who may wish to cause harm or disruption.

3. As defined by 10 U.S.C. § 130e, Defense Critical Infrastructure (DCRIT) is: "... sensitive but unclassified information that, if disclosed, would reveal vulnerabilities in Department of Defense critical infrastructure that, if exploited, would likely result in the significant disruption, destruction, or damage of or to Department of Defense operations, property, or facilities, including information regarding the securing and safeguarding of explosives, hazardous chemicals, or pipelines, related to critical infrastructure or protected systems owned or operated by or on behalf of the Department of Defense, including vulnerability assessments prepared by or on behalf of the Department of Defense, explosives safety information (including storage and handling), and other site-specific

information on or relating to installation security.”

4. As Fuel Department Deputy Director of JBPHH, it is also my responsibility to ensure that information that has been determined by the Secretary of Defense or his designee to constitute DCRIT not be released to the public, potentially compromising the safety of Navy civilian, military, and contractor personnel, the Navy defense critical infrastructure, and the Department of Defense mission that relies upon it.

5. To assist me in these assessments, I relied upon the Statement of the Basis for the Determination by the Chief Management Office dated July 31, 2020, under authority delegated by the Secretary of Defense. Attached hereto as **Exhibit A** is a true and accurate copy of that memorandum. As detailed in this memorandum, the first category of information identified as DCRIT includes physical vulnerabilities of fuel tanks, pipelines, valves, in the RHBFSF and throughout JBPHH, and information on facility operations. Examples include diagrams of tanks, pipelines, hydrant locations, and valve operations. If exploited, this information could provide a potential attacker with information that would allow him or her to determine how and where to most effectively execute an attack. The second category of information identified as DCRIT are those that have the potential for misuse and harm and would impact facility

safety. Of particular concern are documents containing risk vulnerabilities and damage assessments. A person armed with rudimentary knowledge of this risk and damage information could easily determine areas vulnerable for attack.

6. I have reviewed the referenced pages in following documents and conclude that the information described constitutes DCRIT.

Doc Name	Beg Bates	Type of DCRIT
SGH Report	NAVY_0004586	1) Pipe segment and valve locations 2) Size of piping
Final Hotel Pier Plume Delineation - Nov 2021	NAVY_0042005	1) Pipe segment and valve locations 2) Size of piping
SGH Report Completed Repair Spreadsheet	NAVY_0086049	1) pipe segment locations 2) Size of piping
NAVSUP FLC Pearl Harbor, HI (PRL) Integrity Management Plan-POL Pipelines Pre-Final Submittal May 2015. Enterprise Engineering, Inc.	NAVY_30B6_0000883	1) Pipe segment and valve station locations 2) Size of piping

(Enterprise, 2015)		
NAVSUP FLC Pearl Harbor, HI (PRL) Integrity Management Plan- POL Pipelines, Fleet Logistics Center (FLC) Joint Base Pearl Harbor (PRL), May 2019. Enterprise Engineering, Inc. (Enterprise, 2019)	NAVY_30B6_0001600	1) Pipe segment and valve locations 2) Size of piping
NAVSUP Contract Report, POL Pipelines Integrity Management Plan, Volume One, Naval Station Pearl Harbor (PRL) Parts 1-3, October 2023. Austin Brockenbrough and Associates, LLC. (Brockenbrough, 2023)	NAVY_0042881	1) Pipe segment and valve locations 2) Size of piping 3) riser station numbers

NAVSUP Contract Report, POL Pipelines Integrity Management Plan, Volume One, Naval Station Pearl Harbor (PRL) Parts 1-3, October 2023. Austin Brockenbrough and Associates, LLC. (Brockenbrough, 2023)	NAVY_0043012	1) Pipe segment and valve locations 2) Size of piping
Fuel Transfer System Inspection Report; Fuel Transfer Infrastructure Assessment, Naval Facilities Engineering Systems Command (NAVFAC) Engineering and Expeditionary Warfare Center (EXWC). August 2022. Austin Brockenbrough & Associates, LLC.	NAVY_0005506	1) Pipe segment and valve locations 2) Size of piping
Spill History. Spreadsheet. Joint Base Pearl Harbor-Hickam Oahu HI. 9 December 2024. (NAVY_0058622)	NAVY_0058622	Berthing numbers or specific building numbers

Fuel System Inspection Report- Final Submittal November 4, 2022. Submitted by Austin Brockenbrough. (Brockenbrough, 2022b)	NAVY_30B6_0002109	1) valve station locations
Operation, Maintenance, Environmental, and Safety Plan Defense Fuel Support Point Pearl Harbor Bulk Terminal Pearl harbor, Hawaii. December 2023 submitted by Pond and bhate. (Pond/bhate, 2023)	NAVY_30B6_0004012	1) location of primary control room 2) pipe size 3) valve station location
Operation, Maintenance, Environmental, and Safety Plan Defense Fuel Support Point Pearl Harbor Bulk Terminal Pearl harbor, Hawaii. December 2023 submitted by Pond and bhate. (Pond/bhate, 2023)	NAVY_0068580	1) location of primary control room 2) pipe size 3) valve station location

Operation, Maintenance, Environmental, and Safety Plan; Defense Fuel Support Point, Pearl Harbor Bulk Terminal, Pearl Harbor, Hawaii. August 2018 submitted by Trinity, Bhate, and JV LLC, with support from Pond & Company.	NAVY_0006608	1) location of primary control room 2) pipe size 3) valve station location
Kilo Pier Sequence of Events, July 16, 2021.	NAVY_0070979	1) pipe sizes 2) valve station locations
JBPHH-Sustainment, Restoration and Modernization Funding-Upper Tank Farm, Pipeline and Piers. Spreadsheet.	NAVY_30B6_0002107	1) valve locations (stations and chambers)
Spill Prevention, Control, and Countermeasure (SPCC) Plan for Commander Navy Region Hawaii (CNRH), NAVFAC Hawaii. December 2019. PCCI Marine & Environmental Engineering (PCCI, Inc)	NAVY_0011577	Storage system diagrams

2024 Annual Leak Detection Testing Report of 29 Sections of Petroleum Pipelines, Joint Base Pearl Harbor-Hickam Oahu HI. 12 September 2024. Michael Baker International.	NAVY_0068095	1) valve locations (stations and chambers)
Revised 2023 Second Annual Leak Detection Testing Report of 51 Sections of Petroleum Pipelines. Joint Base Pearl Harbor-Hickam Oahu HI. 6 October 2023. Michael Baker International.	NAVY_0068229	1) valve locations (stations and chambers) 2) pump house location
2022 Annual Leak Detection Testing Report of 49 Sections of Petroleum Pipelines, Joint Base Pearl Harbor-Hickam Oahu HI. 10 March 2022. Michael Baker International.	NAVY_0065538	1) valve locations (stations and chambers)
2021 Annual Leak Detection Testing Report of 35 Sections of Petroleum Pipelines, Joint Base Pearl Harbor-Hickam Oahu HI. 22 March	NAVY_0065431	1) valve locations (stations and chambers)

2021. Michael Baker International.		
USACE Fuels Program (RMMR) Pearl Harbor FY14 to FY 24. Spreadsheet.	USACE_0000001	Facility Number Column contains DCRIT
NAVFAC Contract Report, Fuel Transfer Infrastructure Assessment Transfer Piping Inspection UGPH 59- Hotel Pier November 2022	NAVY_0070363	valve locations (stations and chambers)
POL Pipelines Integrity Management Plan (IMP) (Oct. 2023) Part 4 Additional Supporting Information	NAVY_0042047	1) valve locations (stations and chambers) 2) pylon locations 3) pipe sizes 4) riser locations
2024 Annual Static Liquid Pressure Testing Report of One Section of Petroleum Pier Pipeline, Joint Base Pearl Harbor-Hickam, Hawaii (Feb. 2024)	NAVY_0069905	1) valve locations (stations and chambers) 2) pipe sizes 3) diagrams with specific pipe and valve station locations

NACFAV POL Out of Service Requirements FY 25, Repair Scope Determination and Acceptance Satisfactory to Stakeholders	SGH0000023	1) valve locations (stations and chambers) 2) valve sizes 3) piling locations
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DATED: Joint Base Pearl Harbor-Hickam, Hawaii, June 08, 2025

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JOHN FLOYD
Fuel Department Deputy Director, JBPHH

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EXHIBIT A

DETERMINATION OF THE CHIEF MANAGEMENT OFFICER

Under the authority delegated to me by the Secretary of Defense, I have determined that the following information is exempt from disclosure under Exemption 3 of the Freedom of Information Act (5 U.S.C. § 552(b)(3)) because it meets the requirements for exemption under 10 U.S.C. § 130e:

Specific locations, physical vulnerabilities, and risk vulnerability assessments of the Department of the Navy's Red Hill Bulk Fuel Storage Facility (RHBFSF) tanks, pipelines, hydrants, and valves from the RHBFSF to and throughout Joint Base Pearl Harbor-Hickam.

Date: _____

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Lisa W. Hershman
Chief Management Officer

**STATEMENT OF THE BASIS FOR THE DETERMINATION BY
THE CHIEF MANAGEMENT OFFICER**

In accordance with 10 U.S.C. § 130e, I reviewed the information provided to me by the Department of the Navy (DON) concerning the safety and security of the Red Hill Bulk Fuel Storage Facility (RHBFSF), including specific locations and physical vulnerabilities of fuel tanks, pipelines, valves, hydrants, and documents containing risk and vulnerability assessments. Based on that review, I determined that information qualifies as Department of Defense (DoD) critical infrastructure security information (DCRIT). As defined by 10 U.S.C. § 130e(f), DCRIT includes:

“...sensitive but unclassified information that, if disclosed, would reveal vulnerabilities in Department of Defense critical infrastructure that, if exploited, would likely result in the significant disruption, destruction, or damage of or to Department of Defense operations, property, or facilities, including information regarding the securing and safeguarding of explosives, hazardous chemicals, or pipelines, related to critical infrastructure or protected systems owned or operated by or on behalf of the Department of Defense, including vulnerability assessments prepared by or on behalf of the Department of Defense, explosives safety information (including storage and handling), and other site-specific information on or relating to installation security.”

The RHBFSF serves as the primary fuel storage facility for U.S. military ships and aircraft operating from Hawaii and throughout the Pacific Area of Operations, and it is of vital strategic significance. The RHBFSF holds a significant percentage of petroleum war reserves required to defend national security interests in the Indo-Pacific region. As USINDOPACOM's strategic reserve, it supports all U.S. military forces throughout the theater, including those stationed in and transiting through Hawaii. It also supports the Hawaii Army and Air National Guard, and is available to support civil authorities, should circumstances dictate. The hardened, underground, cyber-protected, gravity-fed fuel system is unique, and there is no comparable U.S. owned facility anywhere from India to the continental United States.

The first category of information identified as DCRIT includes physical vulnerabilities of fuel tanks, pipelines, valves, and facility operations. Examples include diagrams of tanks, pipelines, hydrant locations, and valve operations. If exploited, this information could provide a potential attacker with information that would allow them to determine how and where to most effectively execute an attack. The second category of documents identified as DCRIT are those that have the potential for misuse and harm, and would impact facility safety. Of particular concern are documents containing risk vulnerabilities and damage assessments. A person armed with rudimentary knowledge of this risk and damage information could easily determine areas vulnerable for attack.

I considered the public interest in the disclosure of this specific RHBFSF pipeline location and risk information and weighed it against the risk of harm that might result if this information were to be disclosed. Because the public interest in the disclosure is substantially

outweighed by the risk of harm that might result from the disclosure of this information, I have determined that the protection of this information is critical to the security of the DoD infrastructure and should be exempt from disclosure. This is especially true because more general information about the operations of the RHBFSF has already been released publically.